

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**MYMAIL, LTD,**

**Plaintiff**

**v.**

**AMERICA ONLINE, ET AL.,**

**Defendants**

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**CASE NO. 6:04-CV-189**

**ORDER**

As stated on the record during the hearing on November 14, 2005, the Court **GRANTS** MyMail's Motion to Dismiss as Moot Defendants' Counterclaims (Docket No. 429). It is, therefore, **ORDERED** that Earthlink and UOL's Counterclaims are **DISMISSED WITHOUT PREJUDICE**. The Court will enter an appropriate Final Judgment allowing MyMail to appeal the Court's claim construction and summary judgment opinions.

**So ORDERED and SIGNED this 15th day of November, 2005.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**